

By: Representative Snowden

To: Judiciary A

HOUSE BILL NO. 489
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 1, CHAPTER 445, GENERAL LAWS OF 2008,
2 TO REVISE CERTAIN PROVISIONS RELATING TO THE TASK FORCE TO STUDY
3 UNIFORMITY IN REAL PROPERTY RECORDINGS; TO ADD THE SECRETARY OF
4 STATE AS A MEMBER OF THE TASK FORCE AND DESIGNATE HIM AS THE
5 CHAIRMAN; TO REVISE THE MEMBERSHIP OF THE TASK FORCE; TO DELAY
6 DATES SET FOR APPOINTMENTS TO THE TASK FORCE, ITS FIRST MEETING,
7 AND ITS REPORT TO THE MISSISSIPPI STATE LEGISLATURE, AND ITS
8 DISSOLUTION; AND FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 **SECTION 1.** Section 1, Chapter 445, General Laws of 2008, is
11 amended as follows:

12 Section 1. (1) The Task Force to Study Uniformity in Real
13 Property Recordings is created to study and make recommendations
14 to the Mississippi Legislature regarding the merits of creating a
15 statewide uniform system of filing and recording documents and
16 instruments associated with real property and related legal
17 transactions. Members of the task force shall be composed of the
18 following:

19 (a) One (1) person who represents the State Tax
20 Commission, to be appointed by the executive director of the
21 commission;

22 (b) One (1) person who is a member of The Mississippi
23 Bar serving in the Mississippi House of Representatives, appointed
24 by the Speaker of the House;

25 (c) One (1) person who is a member of The Mississippi
26 Bar serving in the Mississippi State Senate, appointed by the
27 Lieutenant Governor;



28 (d) One (1) person who is a member of the Real Property
29 Section of The Mississippi Bar, appointed by the president of The
30 Mississippi Bar;

31 (e) One (1) person who is a member of the Magnolia Bar,
32 appointed by the president of the Magnolia Bar;

33 (f) Three (3) persons who are members of the
34 Mississippi Chancery Clerks' Association, appointed by the
35 president of the association;

36 (g) One (1) person who is an expert in computer
37 technology, appointed by the Executive Director of the State
38 Department of Information Services;

39 (h) One (1) person who is employed by a financial
40 institution in the business of making home mortgage loans,
41 appointed by the president of the Mississippi Bankers Association;

42 (i) One (1) person who is employed by a company
43 licensed to sell and selling title insurance in the State of
44 Mississippi, appointed by the State Commissioner of Insurance;

45 (j) The Secretary of State and one (1) person who is
46 employed in the Public Lands Division of the Secretary of State's
47 office, appointed by the Secretary;

48 (k) One (1) person appointed by the Governor;

49 (l) One (1) person who is a licensed realtor appointed
50 by the president of the Mississippi Association of Realtors;

51 (m) The Executive Director of the Mississippi
52 Association of Supervisors, or his designee; and

53 (n) One (1) person who is a tax assessor and one (1)
54 person who is a tax collector, both appointed by the president of
55 the Mississippi Assessors and Collectors Association.

56 (2) The task force shall:

57 (a) Study the merits of imposing a statewide uniform
58 system of recording documents pertaining to real property and
59 transactions related thereto, including:



60 (i) Uniform formatting standards for documents
61 related to real property that are filed with the clerks of the
62 chancery courts of the state;

63 (ii) Uniform methods of indexing and retrieving
64 those documents, both in the conventional paper medium and in the
65 electronic medium, along with any identifying ownership
66 information, parcel numbers, tax records, liens or any other
67 relevant information ascribed to the real property;

68 (iii) The feasibility and scope of authorizing the
69 filing, signing and verification of those documents by electronic
70 means; and

71 (iv) Access to all forms of recording and indexing
72 those documents by means of the Internet.

73 (b) Review the best practices of other states with
74 regard to the implementation of a statewide uniform system of
75 recording documents pertaining to real property and transactions
76 related thereto.

77 (c) Review the practices of any federal district or
78 bankruptcy courts that employ uniform or electronic systems of
79 filing and recording documents or pleadings with the court.

80 (d) File a report with the Mississippi State
81 Legislature, not later than October 1, 2010, recommending whether
82 or not a statewide uniform system of filing and recording
83 documents and instruments associated with real property and
84 related legal transactions should be implemented in the chancery
85 courts of the state. The report shall include specific
86 recommendations in the form of a draft of legislation to be
87 introduced during the 2011 Regular Session of the Legislature.

88 (3) Appointments to the task force shall be made before May
89 1, 2009. The Secretary of State shall serve as the chairman of
90 the task force. The task force shall hold its first meeting
91 before June 1, 2009, with the date, time and location of the
92 meeting to be designated by the Secretary of State. At that first



93 meeting, the task force shall elect from among its membership
94 a * * * vice chairman and any other officers determined to be
95 necessary, and shall set the date, time and locations of its
96 subsequent meetings.

97 (4) Members of the task force shall serve without
98 compensation for their services, and the task force shall perform
99 its duties without the legislative appropriation or use of any
100 state funds for that purpose; however, the task force, by approval
101 of a majority of the appointed members of the task force, is
102 authorized to accept funds that may be donated or provided in the
103 form of financial grants from public or private sources. Further,
104 any department, agency or court of the state, at the request of
105 the chairman, shall provide to the task force the staff and other
106 support necessary for the task force to perform its duties.

107 (5) * * * The task force will be dissolved on May 1, 2011.

108 **SECTION 2.** This act shall take effect and be in force from
109 and after its passage.

